

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MEI PANG, Individually and on Behalf of All Others Similarly Situated,	§	
	§	CASE NO. 1:22-CV-1191-DAE
	§	
Plaintiff,	§	
	§	CLASS ACTION
v.	§	
	§	
MICHAEL LEVITT, MICHAEL TRZUPEK, and DENISE STERLING,	§	
	§	
	§	
Defendants.	§	
	§	

JOINT STIPULATION REGARDING MOTION TO DISMISS BRIEFING

Lead Plaintiff Morgan Hoffman and named plaintiffs Evan Achee and William J. Emanuel (“Plaintiffs”), and Defendants Michael Levitt, Michael Trzupek, Denise Sterling, Darin Feinstein, Brian Neville, Jarvis Hollingsworth, Matt Minnis, Stacie Olivares, Kneeland Youngblood, Patrick C. Eilers, Theodore J. Brombach, Paul Gaynor, Paul Dabbar, Colleen Sullivan, and Scott Widham (collectively, “Defendants,” and together with Plaintiff, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on May 5, 2023, pursuant to the Parties’ Joint Stipulation Proposing Schedule for Pleadings (ECF No. 56), as ordered by the Court (ECF No. 57, the “Scheduling Order”), Plaintiffs filed an Amended Class Action Complaint (ECF No. 62) (the “Amended Complaint”);

WHEREAS, the Amended Complaint named twelve additional defendants—Darin Feinstein, Brian Neville, Jarvis Hollingsworth, Matt Minnis, Stacie Olivares, Kneeland Youngblood, Patrick C. Eilers, Theodore J. Brombach, Paul Gaynor, Paul Dabbar, Colleen Sullivan, and Scott Widham—who were not named in the initial Class Action Complaint (ECF No. 1) (the “Additional Defendants”);

WHEREAS, after the Amended Complaint was filed, counsel for the Additional Defendants was authorized to accept service on behalf of the Additional Defendants;

WHEREAS, the Parties have met and conferred and agree that the Additional Defendants shall move to dismiss the Amended Complaint pursuant to the deadlines agreed to in the Scheduling Order;

WHEREAS, under Local Rule CV-7(c), each Defendant is entitled to 20 pages for a motion to dismiss brief;

WHEREAS, in an effort to preserve party and judicial resources, the parties have further met and conferred and agreed, given the nature of the claims in the Complaint and the number of defendants, that Defendants may file one omnibus motion to dismiss brief not to exceed 35 pages, Plaintiffs may file an omnibus opposition brief not to exceed 35 pages, and Defendants may file an omnibus reply brief not to exceed 18 pages;¹

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval:

1. The undersigned counsel for Defendants hereby accept service of the summons and complaints in the Action on behalf of the Additional Defendants; provided, however, that the acceptance of service and entry into this Stipulation shall not waive, and Defendants expressly preserve, all rights, claims and defenses, including, but not limited to, all defenses relating to jurisdiction, other than a defense as to the sufficiency of service of the summons and complaints

¹ The Parties are aware of Your Honor's requirement for a motion to exceed the page limits under Local Rule CV-7(c). Fact Sheet for Senior Judge David Alan Ezra, No. 30. However, given that the request is being made jointly and seeks permission to file streamlined, omnibus briefs exceeding the page limits provided for in the Local Rules rather than several individual briefs meeting the page limits under those Rules (which would far exceed the pages the Parties are requesting), the Parties elected to file a joint stipulation.

and the form of the summons. By entering into this Stipulation, Plaintiffs shall not waive, and expressly preserve all rights, claims and defenses.

2. Defendants may file an omnibus motion to dismiss brief not to exceed 35 pages.
3. Plaintiffs may file an omnibus opposition to any motion to dismiss not to exceed 35 pages.
4. Defendants may file an omnibus reply brief in further support of their motion to dismiss not to exceed 18 pages.

Dated: June 8, 2023

COCHRAN LAW, PLLC

/s/Stuart L. Cochran

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Dated: June 8, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June 2023, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ John Bash